

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**DR. GERALD FINKEL, as Chairman of the :
Joint Industry Board of the Electrical Industry, :**

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Plaintiff, : MEMORANDUM & ORDER

:

-against- : 11-cv-1695 (ENV) (MDG)

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**NATIONAL MAINTENANCE, INC., d/b/a :
NATIONAL SIGN & LIGHTING, :**

:

**Defendant. :
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VITALIANO, D.J.,

Plaintiff brought this action on April 6, 2011, against defendant National Maintenance, Inc., doing business as National Sign and Lighting, to recover unpaid benefit contributions under the Employee Retirement Income Security Act and the Labor Management Relations Act. In an order issued December 8, 2011, the Court granted default judgment, and referred the matter to Magistrate Judge Marilyn D. Go for an inquest on damages. Judge Go's Report and Recommendation on damages issued on September 6, 2013, with objections due by September 23, 2013.

In reviewing the Report and Recommendation of a magistrate judge, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). A district judge is required to “make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made” by any party, Fed. R. Civ. P. 72(b), but

where no timely objection has been made, the “district court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s Report and Recommendation. *Urena v. New York*, 160 F. Supp. 2d 606, 609–10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). No objections have been filed. After careful review of the record, the Court finds the Report and Recommendation to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts it in its entirety as the opinion of the Court.

A total judgment of \$69,769.48 shall enter, comprised of \$40,681.68 in unpaid contributions, \$3,820.09 in interest due on unpaid and late contributions through September 30, 2013 (and at a daily rate of \$4.50 thereafter until the entry of judgment), \$20,603.23 in liquidated damages on the unpaid and late contributions, and \$4,664.48 in attorneys' fees and costs.

The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

**Dated: Brooklyn, New York
September 30, 2013**

s/ ENV

**ERIC N. VITALIANO
United States District Judge**